



ORDINANCE 568

AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE CODE OF THE TOWN OF ELSMERE BY REINSTATING ITEMS THAT WERE INADVERTENTLY DELETED WHEN CHANGES WERE MADE TO THE TOWN CODE.

Sponsored by: Councilman John Jaremchuk Jr., 1st District Councilman

First and Second Reading: June 13, 2013 Council Meeting

Results: Passed 7 In Favor, 0 Opposed

Third and Final Reading: July 11, 2013 Council Meeting

Results: Passed 6 In Favor, 0 Opposed with 1 Absent

ORDINANCE 568

An ordinance amending various chapters of the Code of the Town of Elsmere by reinstating items that were inadvertently deleted when changes were made to the Town Code.

WHEREAS, it has been brought to the attention of the Mayor and Council, that during prior revisions of the Code of The Town of Elsmere some very important portions of the code which the Mayor and Council had previously added to the code had been deleted; and

WHEREAS, The Mayor and Council wish to reinstate those portions of the code that had been eliminated.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:

That Code of the Town of Elsmere be amended as follows.

1. That Chapter 182 of the Code of the Town of Elsmere be amended as follows;

1. Amend Section 182-2 (D), by deleting the existing section in it entirety and inserting a new section (D) to read as follows.

(D) At the time of application, written documentation must be supplied by the applicant, denoting the following:

- (1) A copy of the lease or agreement between the tenant and the owner of the property.
- (2) The number of bedrooms in the dwelling unit,
- (3) The area (in square feet) of each dwelling unit.
- (4) The name of occupying tenants, or a statement that the unit is vacant.
- (5) Number of tenants per unit, if residential.
- (6) At the time of application for a Commercial Rental Unit Permit in addition to the applicable information listed above written documentation must be supplied by the applicant for each tenant of the property denoting the following information for each of the tenants.

- a. A copy of the lease or agreement between the tenant and the owner of the property, which clearly notes the expiration of and renewal options of the lease.
 - b. The area in square feet of the entire structure.
 - c. The area in square feet of the space occupied by the particular tenant.
 - d. The name of the business or person who currently occupies the structure or a statement that the structure is currently vacant.
 - e. The type of business that is being performed.
 - f. The total number of tenants occupying the structure.
2. Amend Section 182-5, by renumbering this section to be Section 182-6.
 3. Amend the Code by inserting a new Section 182-5, to read as follows.

§182-5. Length of Lease.

No property required by this chapter to obtain a rental permit shall be rented, leased or otherwise occupied or used by anyone other than the owner of said property if the initial length of the lease or agreement or the length of any renewal options is for a period of time which is less than twenty eight (28) consecutive days.

(* Originally Passed as Ordinance 410 on November 14, 2002)

2. That Chapter 225 of the Code of the Town of Elsmere be amended as follows;

1. Section 225-13 is amended to incorporate the existing text of Section 225-13 into subsection "A" and to add new subsections "B", "C" and "D" as follows:
 - B. No proposed ordinance to amend the zoning classification for a parcel of land, or any portion thereof, shall be considered by the Town Council within two (2) years after any of the following actions with respect to such parcel:
 - (1) Any prior action which changed the zoning classification; or
 - (2) A prior rejection of an application to amend the zoning classification.

- C. The Building Official shall determine whether or not any proposed amendment to the zoning map is subject to the two-year time restriction set forth in subsection B of this section. If the Building Official finds that the time restriction does apply, no further processing of the application to amend the zoning map shall occur unless the Town Council shall by resolution and after public hearing determine that with respect to such parcel, there is a reasonable basis to believe there has been a substantial change in the circumstances or conditions affecting the property or in the proposed use or plans for the use after the time of the prior action referred to in subsection B of this section which would justify the change of zoning classification for such parcel, provided that a determination with respect to such change shall not be made more than once within the two-year period specified in subsection B of this section.

A two-thirds vote of all members of the Town Council shall be required to approve a resolution approving an action which would reduce the two-year time restriction.

- D. The provisions of subsection B of this section shall not apply to zoning changes initiated by the Town of Elsmere.

(* Originally Passed as Ordinance 431 on April 08, 2004)

3. That Chapter 225 of the Code of the Town of Elsmere be amended as follows;

That Chapter 225-40 (B) "Meetings" be amended by adding a new (5) to read as follows.

225-40 (B) (5):

No issue before the Board of Adjustments for consideration shall be considered or acted upon by the board unless such issue has been reviewed by the Planning Commission and the Planning Commission has issued a recommendation as to what action the Board of Adjustments should take when considering issue

(* Originally Passed as Ordinance 439 on October 13, 2004)

4. That Chapter 182 of the Code of the Town of Elsmere be amended as follows;

That Chapter 182 of the Code of the Town of Elsmere is amended by adding a new section to be known as 182-2D(7) to read as follows:

- (7) A copy of the official vehicle registration card issued by the agency having the legal authority to issue such cards for the state in which the vehicle is registered, for each and every vehicle which is owned, leased, operated by or in the possession of the tenant and or any other person(s) occupying the Rental Unit,
 - (a) Written on the copy of each registration card required by this section shall be the color of the vehicle.

(* Originally Passed as Ordinance 454 on October 13, 2005)

June 13, 2013
First and Second Reading

July 11, 2013
Third and Final Reading

Steven E. Burg, Mayor

Joann I. Personti, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS ORDINANCE 568

This reinstates certain portions of the Code of the Town of Elsmere that had inadvertently been deleted when changes were made to the Town Code.

Fiscal Impact: None